

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: :

CHARLES ZANDFORD : **Bankruptcy Case No. 05-13305**

Debtor :

CHARLES ZANDFORD :

Appellant :

v. : **Civil Action No. 07-611 GMS**

TRUSTEE ALFRED THOMAS :

GIULIANO

Appellee

**ON APPEAL FROM AN ORDER OF THE UNITED STATES BANKRUPTCY
COURT FOR THE DISTRICT OF DELAWARE**

**APPELLANT'S MOTION TO TAKE LEAVE OF COURT TO RESPOND TO
TRUSTEE'S REPLY TO APPELLANT'S RESPONSE TO APPLICATION FOR
RELIEF IN THE NATURE OF A MOTION TO QUASH**

88:1 114 51 8341007
13405-11411 11411 11411

Appellant, Charles Zandford, respectfully requests leave of Court to submit his response to trustee's 'REPLY TO APPELLANTS RESPONSE TO APPLICATION FOR RELIEF IN THE NATURE OF A MOTION TO QUASH.'

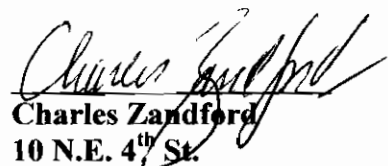
This Court has jurisdiction over this appeal pursuant to Federal Rule of Bankruptcy Procedure 8003 (c). Appellant respectfully draws the Court's attention to the following facts:

- 1. The trustee first argued that this Court lacked jurisdiction to consider this appeal because Appellant had not sought permission from the Bankruptcy Court to seek an interlocutory appeal from the District Court.**
- 2. Now, trustee agrees that such permission was not necessary, but offers a new argument. Trustee now argues that this Court lacks jurisdiction because Appellant did not seek leave of Court to appeal from the Order at issue. Obviously, trustee is not familiar with Federal Rule of Bankruptcy Procedure 8003 (c) which was discussed on page 8 of Appellant's response to trustee's motion to quash.**
- 3. Federal Rule Of Bankruptcy Procedure 8003(c) - Appeal Improperly Taken Regarded as a Motion for Leave to Appeal.**

Rule 8003(c) provides, in relevant part, that: If a required motion for leave to appeal is not filed, but a notice of appeal is timely filed, the district court or bankruptcy appellate panel may grant leave to appeal or direct that a motion for leave to appeal be filed. The district court or the bankruptcy appellate panel may also deny leave to appeal but in so doing shall consider the notice of appeal as a motion for leave to appeal... Fed. R. Bankr. P. 8003(c)." (emphasis added)

- 4. Pursuant to Rule 8003(c), this Court has jurisdiction over this appeal.**

Respectfully submitted,

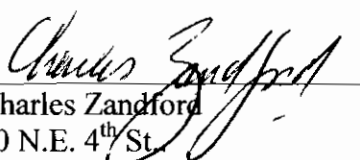
A handwritten signature in black ink, appearing to read "Charles Zandford", is written over a horizontal line.

Charles Zandford
10 N.E. 4th St.
Milford, Delaware 19963
(302) 725-0655

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of ‘ **APPELLANT’S MOTION TO TAKE LEAVE OF COURT TO RESPOND TO TRUSTEE’S REPLY TO APPELLANTS RESPONSE TO APPLICATION FOR RELIEF IN THE NATURE OF A MOTION TO QUASH,**’ was served via first class mail, postage prepaid, on this 15th day of April 2008, upon the following:

Jeffery S. Cianciulli
Suite 500
1339 Chestnut St.
Phila. , PA. 19107-3519


Charles Zandford
10 N.E. 4th St.
Milford, DE. 19963
(302) 725-0655